

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6218 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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TALAB MUBIN SINDHI

Versus

STATE OF GUJARAT  
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Appearance:

M/S THAKKAR ASSOC. for Petitioner  
Shri Kamal Mehta, AGP for the respondents  
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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/11/96

ORAL JUDGEMENT

It is contended by the learned counsel for the petitioner that the last case against the petitioner was registered on 24.9.1996 and the order of detention was passed on 3rd May 1996. Therefore, there is a delay of about 8 months. Learned counsel relies on the decision of the Apex Court in Pradeep Nilkanth Patarkar v. S. Ramamurthi, AIR 1994 SC 656. It is true that the delay

ipso facto, in passing the order of detention, cannot be a ground for quashing the order of detention. In the present case the delay has not been satisfactorily explained. Therefore, in my view this ground alone is sufficient to hold that the order of detention is illegal.

2. In view of the aforesaid the Special Civil Application is allowed. The impugned order of detention is quashed and set aside. It is directed that the petitioner shall be released forthwith, if he is not required in any other case. Rule is made absolute.

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